



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAY 17 2004

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REPLY TO THE ATTENTION OF:

B-19J

Ken Blodgett  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

Re: Docket No. AB-6 (Sub-No. 417X), *Burlington Northern and Santa Fe Railway Company - Abandonment Exemption*

Dear Mr. Blodgett:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (U.S. EPA) has reviewed an Environmental/Historic Report (Report) submitted by the attorneys for the Burlington Northern and Santa Fe Railway Company (BNSF). The Report addresses a petition for abandonment offered by BNSF for approximately 16 miles of rail line between Glyndon and Felton, Minnesota.

Pursuant to a review of the Report, it is not clear whether BNSF intends to salvage track equipment from the right-of-way (ROW). If BNSF intends to remove track material, we feel the proposed abandonment raises several questions. To that end, we have the following comments which should be discussed in the forthcoming Environmental Assessment.

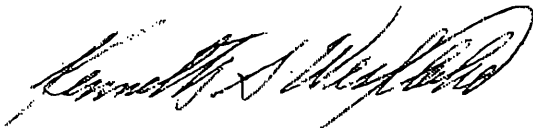
- Removal and ultimate disposal of rails and ballast should be conducted according to applicable environmental regulations;
- Per the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Minnesota;
- Storing and fueling of construction equipment should take place in upland areas, away from water bodies, floodplains or other sensitive habitat;
- Prevention and/or control of spills (i.e., fuels, lubricants or other pollutants) from construction equipment should be conducted according to applicable environmental regulations;

- Portions of the ROW which the railway owns or intends to sell for trails use are recommended to be revegetated with native flora. Long-term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife, improved aesthetics, and decreases erosion; and
- Concerning rail crossings of Buffalo River and the numerous county ditches, culvert maintenance should be planned at least once per season to prevent blockage and damaging floods, while bridge maintenance activities should be planned yearly. Disposal of obstruction materials should take place away from the streambed, and the use of equipment in the streambed should be minimized and scheduled to coincide with periods of low or normal flow. Consideration of native flora to revegetate around culvert ends and bridge foundations to prevent erosion should be addressed. In particular, provision of maintenance activities for culverts and bridges should be provided until the property is sold, at which time maintenance activities will be transferred to the new owner via specific real estate provisions.

Lastly, we feel abandonment would be premature without the Minnesota Historical Society's final decision regarding the effect on any known sites or properties listed or eligible for listing in the National Register of Historic Places, including the rail line itself.

We look forward to receiving the Surface Transportation Board's Environmental Assessment regarding this abandonment. Should you have any questions, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206 or via e-mail at [kowal.kathleen@epa.gov](mailto:kowal.kathleen@epa.gov).

Sincerely,



Kenneth A. Westlake, Chief  
Environmental Planning and Evaluation Branch

cc: Michael A. Smith, Attorney for BNSF